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Waste Management
Corrective Actions
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Air Quality
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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

July 31, 2002

E. Frank Di Sanza, Director
Waste Management Division
National Nuclear Security Administration
Nevada Operations Office
P.O. Box 98518
Las Vegas, NV 89193-8518

Re: Finding of Alleged Violation and Order

Dear Mr. Di Sanza:

The Nevada Division of Environmental Protection, Bureau of Federal Facilities (NDEP), has reviewed the analytical data and supporting information submitted on July 10, 2002, by the National Nuclear Security Administration, Nevada Operations Office (NNSA/NV) in response to the Finding of Alleged Violation (FOAV) and Order issued on May 16, 2002. The analytical results and associated quality control data indicate that TCE was not present above the laboratory detection limits (10 ppb) or TCLP regulatory limit (0.5 ppm) in the soil samples analyzed.

In addition to reviewing the analytical data, NDEP also reviewed relevant characterization documentation and process knowledge history submitted by NNSA/NV on May 29, 2002. This information was used as the basis for disposing the Paducah Gaseous Diffusion Plant waste soil at the NTS. Though the analytical results indicate that statistically, TCE is not present in the soil, NDEP believes, based on the review of characterization documentation and process knowledge information, that the waste soil disposed at the NTS had at a point in time been in contact with TCE, a listed hazardous waste. However, since the time this potentially contaminated soil was generated, it has been repackaged and stored in a number of containers.

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The results noted earlier leave questionable whether or not any trace contamination remained at the time the waste was shipped to the NTS.

The waste soil has been disposed in the Area 5 RWMS and is being managed as low level radioactive waste. Considering the site specific characteristics of the Area 5 RWMS (the depth to the alluvial aquifer in the vicinity of the Area 5 RWMS is approximately 800 feet below ground surface), the disposal of this waste in the Area 5 RWMS, even if it did contain trace quantities of a listed waste, does not present a significant risk or hazard to human health or the environment. Consequently, NDEP has accepted the original determination the waste soil is not required to be managed as hazardous waste and may remain in the Area 5 RWMS disposal cell without any further action.

Please note that this decision applies only to the PGDP legacy soil waste that has been shipped and disposed, and not to future shipments of PGDP waste. Though the approved profile indicates that this waste stream is a one-time only waste stream, any future shipments of this soil waste must be subjected to more complete methods of characterization. Also note that NDEP has concerns regarding the adequacy of the RWAP audit process for ensuring that hazardous wastes are not sent to the NTS. The RWAP audit conducted in June 2001 did not cite nonconformances with respect to the generator's RCRA characterization program or characterization methods, when evidently, based on the information submitted on May 29, 2002, it is clear that the generator has a site-wide problem with TCE. Improvements to the RWAP audit process and evaluating the generator's methods of characterization, especially when process knowledge is cited as the method of characterization, need to be explored.

If you have any questions regarding this matter, please contact Bryan Trimberger, of my staff, at (775) 687-9394.

Sincerely,

Paul J. Liebendorfer, P.E.
Chief
Bureau of Federal Facilities
PJL/KKB/DRE/JAW/BRT/cb

cc: J. T. Carilli, NNSA/WMD
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